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BEFORE THE
ILLINOIS COMMERCE COMMISSION

COUNTIES OF SOUTHERN ILLINOIS)	DOCKET NO.
)	12-0094
)	
Petition for Authority to Operate)	
a Regional Next Generation 9-1-1)	
Pilot Project System.)	

Springfield, Illinois
Thursday, November 8, 2012

Met, pursuant to notice, at 9:30 a.m.

BEFORE:

MR. JOHN ALBERS, Administrative Law Judge
MS. JANIS VON QUALEN, Administrative Law Judge

APPEARANCES:

MR. MATTHEW L. HARVEY
MS. KELLY A. ARMSTRONG
Office of General Counsel
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601-3104

(Appearing via teleconference on
behalf of Staff witnesses of the
Illinois Commerce Commission)

L. A. COURT REPORTERS
By: Carla J. Boehl, Reporter
CSR #084-002710

1 APPEARANCES: (Continued)

2 MR. JOHN H. KELLY
3 OTTOSEN BRITZ KELLY COOPER GILBERT & DINOLFO,
4 LTD.
1804 North Naper Boulevard, Suite 350
Naperville, Illinois 60563

5 (Appearing via teleconference on
6 behalf of Counties of Southern
Illinois)

7 MR. RICHARD W. HIRD
8 PETEFISH IMMEL HEEB & HIRD, LLP
842 Louisiana Street
Lawrence, Kansas 66044

9 (Appearing on behalf of the
10 NG-911, Inc.)

11 MS. NANCY J. HERTEL
12 General Attorney
Illinois Bell Telephone Company
225 West Randolph Street, Room 25D
13 Chicago, Illinois 60606

14 (Appearing via teleconference on
15 behalf of Illinois Bell
Telephone Company)

16 MR. PATRICK J. LUSTIG
17 Project Manager
303 North Robinson Circle
Carbondale, Illinois 62901

18 (Appearing on behalf of the
19 Counties of Southern Illinois)

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1 APPEARANCES: (Continued)

2 MR. MATT JOHNSON
3 312 South Fourth Street
4 Springfield, Illinois 62701

5 (Appearing via teleconference on
6 behalf of the Illinois
7 Telecommunications Association)

8 MS. KAREN BOSWELL
9 Frontier Communications
10 104 West Mulberry Street
11 Normal, Illinois 61761

12 (Appearing via teleconference on
13 behalf of Frontier
14 Communications)

15 MR. MICHAEL RAMSEY
16 815 South Highland Street
17 Williamsburg, Iowa 52361

18 (Appearing via teleconference on
19 behalf of NG-911)

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I N D E X

WITNESS
(None)

DIRECT CROSS REDIRECT RECROSS

EXHIBITS

(None)

MARKED ADMITTED

1 PROCEEDINGS

2 JUDGE ALBERS: By the authority vested in me by
3 the Illinois Commerce Commission, I now call Docket
4 Number 12-0094. This docket was initiated by the
5 Counties of Southern Illinois seeking authority to
6 operate a regional next generation 9-1-1 pilot
7 project system.

8 May I have the appearances for the
9 record, please?

10 MR. LUSTIG: Patrick, P-A-T-R-I-C-K, Lustig,
11 L-U-S-T-I-G, 303 North Robinson Circle, Carbondale,
12 62901. I am the director of Jackson County 9-1-1 and
13 also the project manager for the counties of southern
14 Illinois.

15 MR. HARVEY: For the Staff of the Illinois
16 Commerce Commission, Matthew L. Harvey and Kelly A.
17 Armstrong, 160 North LaSalle Street, Suite C-800,
18 Chicago, Illinois 60601.

19 MR. KELLY: On behalf of CSI, John Kelly, 1804
20 North Naper Boulevard, Naperville, Illinois 60563.

21 MS. HERTEL: On behalf of AT&T Illinois, Nancy
22 Hertel, 225 West Randolph, Chicago, Illinois 60606.

1 MR. HIRD: On behalf of NG-911, Inc., this is
2 Richard W. Hird. Address is 842 Louisiana, Lawrence,
3 Kansas 66044.

4 MR. RAMSEY: On behalf of NG-911, Inc., Michael
5 Ramsey, R-A-M-S-E-Y, 815 South Highland Street,
6 Williamsburg, Iowa 52361.

7 JUDGE ALBERS: Any others wishing to enter an
8 appearance?

9 (No response.)

10 Let the record show no response.

11 MR. JOHNSON: On behalf of --

12 JUDGE ALBERS: Go ahead.

13 MR. JOHNSON: I am sorry. This is Matt Johnson
14 on behalf of the Illinois Telecommunications
15 Association, 312 South Fourth Street, Springfield,
16 Illinois 62701.

17 MS. BOSWELL: And Karen Boswell for Frontier
18 Communications, 104 West Mulberry Street, Normal,
19 Illinois 61761.

20 JUDGE ALBERS: Any others?

21 (No response.)

22 Let the record show no response.

1 I know Judge Von Qualen and I have a
2 question or two, but does anyone else have any
3 preliminary matters they would like to raise first?

4 (No response.)

5 Okay. Well, when we last met we had
6 discussed either getting a filing from CSI explaining
7 what may or may not change with the determination of
8 an actual 9-1-1 provider, if you will, and if we
9 didn't hear anything from them, we would go to hear
10 something from Staff and Intervenors explaining their
11 concerns about the lack of a specific 9-1-1 provider,
12 and we didn't receive anything. So would anyone care
13 to address that or shall we call names?

14 MR. KELLY: Judge, John Kelly here on behalf of
15 CSI on the phone. I probably should best take the
16 lead.

17 Since the last conference, CSI has
18 indeed voted to contract with NG-911, Inc., as their
19 9-1-1 system service provider. They are in the
20 process of negotiating that contract. A final
21 contract has not yet been negotiated, so I don't have
22 a document.

1 Since the last conference, the general
2 counsel's office did send some -- an e-mail with some
3 concerns from their office that we might want to
4 address in an additional filing, and Matt Johnson on
5 behalf of the ITA sent some concerns.

6 On October 31 at the request of Staff
7 we held a technical workshop in Springfield in which
8 not only all of the parties and Intervenorors attended
9 but many of the representatives of the various phone
10 companies involved attended.

11 Subsequent to that, yesterday
12 afternoon I sent out for discussion purposes to only
13 Staff and Intervenorors, the judges were not copied, a
14 draft of a proposed motion to supplement our amended
15 petition. I had some discussions with general
16 counsel's office yesterday. Obviously, they are not
17 in any position to respond today to what I sent out
18 yesterday, but I needed that time, one, to try to get
19 the contract with NG-911, Inc., resolved and then
20 with the intervening time with the technical workshop
21 to try to address those issues.

22 So I think based on my discussions

1 with the general counsel's office yesterday, what I
2 suggest is we probably need another, you know, seven
3 to ten days, and I will leave that to the general
4 counsel for them to respond or provide their thoughts
5 on what I have tendered as a draft motion, and then I
6 could get that motion in final shape shortly after
7 that. And I understand we have got the Thanksgiving
8 holiday intervening. So by the end of this month we
9 would have our motion to supplement on file with
10 hopefully it vetted by everybody involved.

11 JUDGE ALBERS: All right. Well, thank you.
12 Does anyone want to add anything to that before we
13 look at our calendars?

14 MR. HARVEY: Your Honor, this is Matt Harvey in
15 Chicago. Staff discussed this earlier today. We
16 believe that we could have a meaningful response to
17 CSI's, I guess, draft of a document is and I am
18 somewhat curious about -- well, how one responds to a
19 draft document, I guess, is sort of an interesting
20 question. But I guess we would be prepared to do
21 that by Tuesday the 20th of November.

22 JUDGE ALBERS: I am just, in terms of looking

1 at calendars, I am just thinking as it to when we
2 would see an actual motion on file. I wouldn't think
3 that Judge Von Qualen and I would need to see
4 anybody's response to a draft document.

5 MR. KELLY: So go ahead, Matt.

6 MR. HARVEY: I will let Ms. Armstrong. I think
7 she may have something intelligent to say.

8 MS. ARMSTRONG: I actually was going to say to
9 let John Kelly go ahead.

10 MR. KELLY: And why I circulated this, and I
11 understand that -- and I am not looking for a
12 response. What I am looking for is the input -- I
13 tried to address what CSI and the folks on the CSI
14 team and what all of you have provided us so kindly
15 prior to yesterday. I tried to address all that. If
16 I am short or if there are other things that have
17 come up in the meantime, I would much rather have
18 that discussed and thrown at me before I finalize the
19 document. I don't want to finalize it and then have
20 to say, "Oh, you know what, you should have covered
21 that, you should have covered this."

22 MR. HARVEY: We certainly anticipated doing

1 that. So we can do that and whatever we -- I guess I
2 misused the term "filing" here perhaps. We may want
3 to more accurately term it "recommended amendment" to
4 your motion for leave to file, I guess.

5 MS. HERTEL: And would you envision that you --
6 this is Nancy Hertel from AT&T Illinois. Would you
7 envision that we do this informally but you would
8 circulate to the other Intervenors and other parties
9 the comments you had on the draft motion?

10 MR. HARVEY: I think we would probably need to
11 do that to avoid ex parte concerns.

12 MS. HERTEL: Correct, that's what I -- excuse
13 me.

14 MR. KELLY: And that's certainly what I
15 anticipated.

16 JUDGE ALBERS: Well, whatever you want to call
17 it, it sounds like you are all communicating. So
18 that pleases Judge Von Qualen and I. So please keep
19 it up. It sounds like Mr. Kelly's idea is
20 appropriate in terms of getting feedback on his draft
21 supplement to the amended petition. And however much
22 time you folks think you need to take a look at that

1 and then talk about anything else that should be
2 provided in that supplement is fine with us, I guess.

3 MS. VON QUALEN: Yes.

4 JUDGE ALBERS: So all we are looking for at
5 this point is when do you think we should see -- when
6 do you think we would see an actual on-the-record
7 filing of the motion and then when to continue this
8 to?

9 MR. KELLY: This is John Kelly again, Judge.
10 Based on Counsel Harvey's target date of the 20th of
11 November, I would say that we then, CSI, would then
12 have a motion ready to file by -- filing by
13 November -- Thursday, November the 29th, and that's
14 allowing for the intervening holiday there in
15 between.

16 JUDGE ALBERS: That's fine as long as everybody
17 else thinks they can get their feedback in, too. So
18 if everybody thinks they can get their thoughts
19 passed back to CSI and we can see an actual motion on
20 file around the 29th, that would be fine.

21 When would folks like to try to meet
22 again? Why don't we go off the record for a minute?

1 (Whereupon there was then had an
2 off-the-record discussion.)

3 JUDGE ALBERS: We will go back on the record
4 then.

5 Having discussed additional parts of
6 the schedule, after we get a motion on November 29,
7 any responses will be due December 15, replies on
8 December 7 and we will have a --

9 MS. VON QUALEN: December 20.

10 JUDGE ALBERS: I am sorry, thank you very much.
11 On December 20 and a status on January 9, 2013, at
12 9:30 a.m.

13 Anything else for the record then?

14 MR. HARVEY: Nothing from Staff, Your Honor.

15 JUDGE ALBERS: All right.

16 MR. KELLY: I don't think CSI has anything
17 else.

18 JUDGE ALBERS: Thank everyone. Good luck on
19 your continued efforts to talk about this, and we
20 will continue this to January 9 at 9:30.

21 (Whereupon the hearing in this
22 matter was continued until
January 9, 2012, at 9:30 a.m. in
Springfield, Illinois.) 94